

### **REMARKS**

The following remarks are prepared in response to the Office Action mailed February 16, 2005. Claims 1-47 are pending in this application, after entry of this amendment.

Claims 1, 3, 5-8, 13, 14, 17, 21, 22, 24, 27-29, 34, 38 and 41-44 were rejected under 35 U.S.C. §102(e) as being anticipated by *Nessett et al.* (U.S. Patent No. 5,968,176 hereinafter *Nessett*). Claims 2, 4, 10, 23, 25, 30, 33 and 35-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nessett* in view of *Williams* (U.S. Patent No. 6,304,973 hereinafter *Williams*). Claims 9, 11-12, 15-16, 18-20, 26, 31-32, 37, 39-40 and 45-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nessett* in view of *Wesinger, Jr. et al.* (U.S. Patent No. 6,052,788 hereinafter *Wesinger*). Applicant respectfully traverses and requests reexamination.

#### **Rejection Under 35 U.S.C. §102(e)**

##### **Independent Claims 1, 17 and 34**

The rejection of claims 1, 17 and 34 should be withdrawn as *Nessett* fails to disclose all the recitations of claims 1, 17 and 34 and therefore does not anticipate these claims.

Focusing on the specific recitations of claims 1, 17 and 34 and the inadequacies of *Nessett*, claims 1 and 34 recite: A secure network comprising “a plurality of network bubbles” and claim 17 recites: A secure network comprising “a first and a second network bubble.” Paragraph 26 of the present application states that the term “bubble” is intended to refer to two or more devices that have unrestricted network access with each other and share a common network access policy.

*Nessett* discloses Host Group One 600 which consists of a large number of end systems 601, 602, 603, ... connected through repeaters (604 and 605) and switches (606 and 607) to one of two site routers 608 (*Nessett*, col. 21, lns. 56-59 and figures 6 and 7). The two

switches 606 and 607 are connected to Host Group One 600 through the repeaters 604 and 605, are capable of performing firewall rule enforcement (*Nessett*, col. 22, lns. 8-11). Specifically, both the switches connected through the repeaters 604 and 605 to Host Group One 600 end systems, as well as the Network Interface Cards (NICs) in these end systems, are capable of enforcing node specific policy rules (*Nessett*, col. 22, lns. 34-37). The advantage demonstrated in this example is that the NICs are responsible for enforcing the multilayer firewall policy rule for inbound traffic, while the switches are responsible for enforcing it for outbound traffic (*Nessett*, col. 23, lns. 35-38). Dividing up the responsibility for this enforcement offloads some processing from the Host Group One 600 switches 606 and 607 (*Nessett*, col. 23, lns. 38-40). It does this by relying on the NICs to protect their end systems against hostile traffic (*Nessett*, col. 23, lns. 40-42).

On pages 3 and 5 of the office action, the Examiner identified the plurality of network bubbles to be Host Group One 600 and Host Group Two 610 (see also figures 6 and 7). Applicant asserts that Host Group One 600 and Host Group Two 610 cannot be classified as bubbles according to the definition of a bubble as provided in the present application. The term bubble requires that the devices within a bubble have unrestricted network access with each other. See paragraph 26 of the present application. This feature is not taught or disclosed by *Nessett*.

*Nessett* discloses that each end system 601, 602, 603 has a NIC that is used to enforce node specific policy rules. The NICs are used to ensure that the source addresses it receives are from trusted end systems (*Nessett*, col. 11, lns. 54-58). Each end system uses its NIC to protect it from other end systems located in the same group. Therefore, each end system does not have unrestricted network access with each other as recited in the definition of a bubble. Therefore, the end systems in Host Group One 600 and Host Group Two 610 do not have unrestricted network access with each other. The claims require that the devices within a

bubble having unrestricted network access with each other. This feature is not taught or disclosed by *Nessett*. Accordingly, the rejection of claims 1, 17 and 34 under 35 U.S.C. §102(e) should be withdrawn.

**Rejections Under 35 U.S.C. §103(a)**

**Independent Claims 1, 17 and 34**

Combining *Williams* with *Nessett* does not teach or suggest a bubble where two or more devices have unrestricted network access with each other. *Williams* permits unsecured hosts to be quickly and easily added to the network 10 (*Williams*, col. 13, lns. 15-16). These unsecured hosts can freely inter-operate with other unsecured hosts without any restriction (*Williams*, col. 13, lns. 16-18). The two or more devices within a bubble are secured devices that have unrestricted network access with each other. *Williams* does not teach or suggest a bubble with two or more secured devices that have unrestricted network access with each other. The deficiency of *Nessett* is not cured by *Williams*. Therefore, neither *Nessett* nor *Williams*, solely or in combination, teach or suggest a bubble with two or more secured devices that have unrestricted network access with each other. For at least the reasons discussed above, Applicant submits that claims 1, 17 and 34 are patentably distinct over the combination of *Nessett* and *Williams* and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Combining *Wesinger* with *Nessett* does not teach or suggest a bubble where two or more devices have unrestricted network access with each other. *Wesinger* discloses a first site 101 and a second site 151 (*Wesinger*, col. 6, lns. 41-43 and figure 1). The Examiner identified the first site 101 to be a first network bubble and the second site 151 to be a second network bubble. Figure 1 shows a single network control point connecting the first site 101 to the second site 151. *Wesinger* does not disclose that the devices within the first site 101 or the second site 151 have unrestricted network access with each other. Therefore, *Wesinger*

fails to teach or suggest a bubble with two or more devices that have unrestricted network access with each other. The deficiency of *Nessett* is not cured by *Wesinger*. Therefore, neither *Nessett* nor *Wesinger*, solely or in combination, teach or suggest a bubble with two or more devices that have unrestricted network access with each other. For at least the reasons discussed above, Applicant submits that claims 1, 17 and 34 are patentably distinct over the combination of *Nessett* and *Wesinger* and the rejection under 35 U.S.C. §103(a) should be withdrawn.

**Dependent Claims 2-16, 18-33 and 35-47**

Claims 2-16 depend from independent claim 1, claims 18-33 depend from independent claim 17 and claims 35-47 depend from independent claim 34. All of these dependent claims define the secure network with greater particularity and thus further distinguish over *Nessett*, *Williams* and *Wesinger*. For these reasons, and for the reasons set forth above with respect to independent claims 1, 17 and 34, the rejections of these dependent claims should be withdrawn.



Conclusion

If there are any questions with regards to this prosecution, or if the Examiner believes that a telephone interview will help further the prosecution of the case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 16, 2005.

By: Rachel Carter

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Signature

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Very truly yours,

**SNELL & WILMER L.L.P.**

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